2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Brazil

1. Brazil decided to accede to the Treaty on the Non-Proliferation of Nuclear Weapons in 1998,[1] taking into consideration the easing of international tensions following the end of the cold war and the consolidation of the Treaty as the main international nuclear non-proliferation and disarmament regime, by virtue of the adoption of a strengthened, forward-looking review process at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

2. In doing so, Brazil sought to join other parties to the Treaty in focusing its efforts on the complete elimination of nuclear arsenals as the only means of correcting the built-in asymmetry between States parties and the full and definitive achievement of the Treaty's goals.

3. The Congress of Brazil approved the country's accession to the Treaty on the understanding that effective measures would be taken with a view to the cessation of the nuclear arms race at an early date and the total elimination of nuclear weapons, as stated in the Legislative Decree[2] that approved the Treaty in 1998.

Article I

4. Brazil considers that non-proliferation efforts are but a means of fulfilling the highest aspirations and purposes of the Treaty, which are aimed at avoiding the risk of a nuclear war and achieving the goal of a safer, nuclear-weapon-free world. States possessing nuclear weapons have primary responsibility for avoiding the risk of nuclear conflagration and fulfilling the disarmament commitments made under the Treaty.

5. More than 40 years after the Treaty was concluded, and 20 years after the end of the cold war, the continued existence of nuclear weapons, both within and outside the Treaty's regime, runs counter to its provisions and remains a powerful stimulus

[1] Act 2864 of 7 December 1998.

[2] Legislative Decree 65 of 2 July 1998.

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for proliferation. As long as some States possess such weapons, other States will be tempted to acquire or develop them, just as proliferation occurred prior to the existence of the Treaty, generating the nuclear-weapon States recognized under the Treaty.

6. Brazil is not a member of any military alliance involving nuclear arsenals, nor is it protected by so-called nuclear umbrellas, which involve the deployment of nuclear weapons in the territories of some nuclear-weapon States.

7. Proliferation both within and outside the Treaty is stimulated not only by the existence of nuclear weapons, but also by the ongoing qualitative development of such weapons and their delivery systems. It is also spurred by doctrines that seek to justify and perpetuate a purported usefulness and need for such weapons and which admit the possible use of nuclear weapons against States not possessing nuclear weapons.

8. A world in which nuclear weapons are allowed will remain intrinsically insecure, under the threat of nuclear proliferation and nuclear annihilation itself. This, along with the moral unacceptability of any weapons of mass destruction, should provide the strongest argument for nuclear non-proliferation and disarmament.

9. Therefore, the five nuclear-weapon States are called upon to undo the effects of their original development, proliferation and accumulation of nuclear weapons by fulfilling their unique responsibility for achieving the total elimination of their nuclear arsenals.

10. Confidence that nuclear weapons are to be totally eliminated in the foreseeable future thus provides the most effective and credible bulwark against further proliferation.

11. Non-proliferation concerns cannot hamper the inalienable right to the development, research, production and use of nuclear energy or international cooperation related to peaceful nuclear activities. Non-proliferation concerns cannot be invoked as a pretext to impose additional obligations or new restrictions on States parties to the Treaty that have already forgone the nuclear-weapons option. Any new non-proliferation commitments, including in terms of enhanced verification procedures, must be considered in the light of the Treaty's overall implementation, particularly with regard to the nuclear-weapon States' nuclear disarmament obligations.

Article II

12. The Constitution of Brazil[3] expressly forbids all non-peaceful nuclear activities. Consequently, and consistent with Brazil's obligations under the Treaty, nuclear weapons and all activities related to them are prohibited within its territory.

13. Brazil does not possess nor has it ever developed nuclear weapons, and has always fulfilled its nuclear non-proliferation commitments. Legislation in force (see below) prohibits and prevents the testing, use, manufacture, production or acquisition by any means of any nuclear explosive device in its territory.

[3] Article XXI, paragraph XXIII (a): "All nuclear activity within the national territory shall only be admitted for peaceful purposes and subject to approval by the National Congress".

Furthermore, Brazil abstains from carrying out, promoting or authorizing, directly or indirectly, or from participating, in any way, in any of the said activities. Moreover, Brazil is not a party to any military alliance or security system that foresees the possible use of nuclear weapons.

14. Brazil is concerned about possible non-compliance within the Treaty, as well as instances of proliferation outside the Treaty. Ensuring full compliance with the Treaty by its States parties and seeking its universality are goals that must be pursued in parallel. Complacency with proliferation outside the Treaty runs counter to efforts aiming at strengthening its regime and achieving non-proliferation goals and the total elimination of nuclear weapons.

15. Brazil shares the concern about the risk that nuclear weapons and other weapons of mass destruction and related technologies may fall into the hands of unauthorized non-State actors or terrorists. Such risk highlights not only the need to promote nuclear safety and security, but also, most importantly, to make steady progress towards completing nuclear disarmament and outlawing those weapons entirely. The use or threat of use of nuclear weapons is obviously no deterrent to terrorist threats. Only the complete elimination of weapons of mass destruction can ensure that such weapons will never be obtained by unauthorized non-State actors or terrorists.

16. Besides the obligations derived from the Treaty and the incorporation into its national legislation of the guidelines adopted in the context of the Nuclear Suppliers Group, Brazil has enacted legislation for the control of every nuclear activity in its territory, defining specific penalties for activities not authorized by the Government in this field. This legislation, set out below, is also in line with Security Council resolutions 1373 (2001), 1540 (2004) and 1887 (2009):

(a) Act 4118 of 27 August 1962 created the National Commission for Nuclear Energy (CNEN). It determines that all activities related to the nuclear field are a monopoly of the State. It establishes that control of these activities is incumbent upon CNEN. It defines as a crime against national security the clandestine export or import of nuclear materials (article 39). Furthermore, it prohibits the possession or transfer of nuclear materials, including by-products, without explicit authorization from CNEN, even within the domestic market (article 40);

(b) Act 6453 of 17 October 1977 established civil responsibility for nuclear damages and criminal responsibility for acts related to nuclear activities. It defined and penalized the production, processing, supplying and use of nuclear material without necessary authorization or for other purposes than those allowed by law (article 20), as well as the export and import of nuclear material without due official licence (article 25). If related to terrorist acts, the penalties associated with these offences are cumulative to those provided for crimes of terrorism;

(c) Act 1065 of 24 February 1994 approved the 1991 Agreement between the Federative Republic of Brazil, the Argentine Republic, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC)[4] and the International Atomic Energy Agency (IAEA) for the Application of Safeguards. The

[4] ABACC was created by the Agreement between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy, signed in Guadalajara on 18 July 1991. The Agreement established the Common System of Accounting and Control of Nuclear Materials, implemented by ABACC.

Quadripartite Agreement is a result of a historic, successful political process of integration and confidence-building between Brazil and Argentina. The two countries decided to follow an unprecedented path in the peaceful uses of nuclear energy by creating ABACC and submitting all their nuclear facilities to IAEA and ABACC comprehensive safeguards. The satisfactory implementation of this unique safeguards system is recognized by IAEA and ABACC in their annual reports, without ever having given rise to any doubt with respect to the complete fulfilment of commitments and obligations in accordance with all relevant international instruments on nuclear non-proliferation to which Brazil and Argentina are parties;

(d) Act 1246 of 16 September 1994 approved the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and resolutions 267 (E-V) of 3 July 1990; 268 (XII) of 10 May 1991; and 290 (E-VII) of 26 August 1992, adopted at the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL);

(e) Act 9112 of 10 October 1995 established controls on international exports of materials and services with possible application to weapons of mass destruction. It defines as sensitive goods all those with dual use in the nuclear, chemical and biological fields. The implementation of controls is supervised by an Interministerial Commission for Export Control of Sensitive Goods, established within the presidency of the Republic.

Article III

17. All nuclear material in Brazil is accounted for by the National Commission for Nuclear Energy, established in 1962. CNEN regulates and supervises all nuclear activities in Brazil. It is also responsible for primary interaction with ABACC and for the implementation of the 1991 Quadripartite Agreement between Brazil, Argentina, ABACC and IAEA.

18. ABACC is responsible for the administration and application of the Common System of Accounting and Control of all nuclear materials in Brazil and Argentina, with a view to ensuring that no material is diverted or used in an inappropriate or unauthorized manner, in conformity with the purposes of the bilateral Agreement that created the Agency.

19. The Quadripartite Agreement between Brazil, Argentina, ABACC and IAEA subjects all nuclear materials in Brazil to IAEA comprehensive safeguards. The physical monitoring of nuclear activities, as mandated under the Non-Proliferation Treaty, is conducted by both IAEA and ABACC under the terms of the Quadripartite Agreement. Such monitoring started before Brazil's accession to the Treaty in 1998.

20. All 25 nuclear facilities in Brazil are placed under international ABACC and IAEA comprehensive safeguards, including one uranium isotopic enrichment laboratory and one uranium enrichment pilot plant that are located at military facilities. About 60 IAEA and ABACC on-site inspections are conducted every year.

21. Cooperation between the international safeguards system (IAEA), the regional system (ABACC) and the national system under CNEN has contributed substantially to enhancing the effectiveness and efficiency of the implementation of safeguards in Brazil. Brazil has repeatedly stressed the need for increased integration of the implementation of safeguards at the international and regional levels. Brazil attaches great importance to the cooperation between ABACC and IAEA with a view to

avoiding any duplication of effort and achieving cost-effectiveness in the application of safeguards in Brazil and Argentina.

22. The satisfactory implementation of the unique, comprehensive safeguards system in place in Brazil and Argentina is clearly recognized by IAEA and ABACC in their annual reports, without ever having given rise to any form of doubt with respect to the complete fulfilment of the commitments and obligations of the two countries in accordance with all relevant international instruments on nuclear non-proliferation and disarmament to which they are parties: the 1991 Quadripartite Agreement between Brazil, Argentina, IAEA and ABACC; the 1967 Treaty of Tlatelolco; the 1968 Non-Proliferation Treaty; and the 1996 Comprehensive Nuclear-Test-Ban Treaty.

23. That impeccable track record has prompted the Government of Brazil to state, in its national defence strategy,[5] that it will not adhere to increased safeguards commitments that are additional to those prescribed in the Non-Proliferation Treaty and geared to imposing new restrictions on States not possessing nuclear weapons, unless the nuclear-weapon States have advanced in the Treaty's main objective: their own nuclear disarmament. Brazil has developed uranium enrichment technology indigenously and, like other States, is determined to continue the development of nuclear-fuel-related technologies and, in so doing, exercise its right to protect related proprietary and commercial information. Moreover, Brazil has a nuclear-propelled-submarine project, the completion of which will imply the start of negotiations with IAEA for the application of comprehensive safeguards on the nuclear material to be utilized.

24. Since the end of 2005, Brazil, having accepted the invitation of IAEA, has participated in the Member State support programme to provide voluntary technical support to the IAEA Department of Safeguards. The Brazilian support programme cooperates with the IAEA Department of Safeguards by providing human resources and logistical support for the application of safeguards with a view to improving the effectiveness and efficiency of safeguards implementation. The Brazilian support programme includes participation in field tests and the evaluation of new technologies as requested by IAEA for its safeguards applications, the training of safeguards personnel, the analysis of safeguards issues and the provision of human resources, including experts and consultants, to work directly with the secretariat.

Article IV

25. The inalienable right to the development and use of nuclear energy for peaceful purposes was not established by the Non-Proliferation Treaty, since it pre-existed the Treaty. The Treaty excludes the possibility of any interpretation that would affect this right, recognized in article IV, which plays a pivotal role under the Treaty, together with the obligations contained in articles I, II and VI. Respect for this right and the undertaking by States parties to facilitate the fullest possible exchange of nuclear technology for peaceful purposes are key elements of the effectiveness and credibility of the Treaty regime. Therefore, any proposals aimed at limiting the exercise of this inalienable right should be firmly rejected.

26. The development and uses of nuclear energy for peaceful purposes is a fundamental principle enshrined in the Constitution of Brazil. Nuclear technologies

[5] Executive Decree 6703 of 18 December 2008.

are an indispensable tool in modern economies and play an important role in global endeavours to reduce carbon emissions and combat climate change. International cooperation in the nuclear field is a key component of efforts aimed at sustainable economic development. IAEA plays an essential role in that respect.

27. Brazil is a founding member of IAEA. Since 1957, it has participated in an active and constructive manner in the work of the Agency with the aim of strengthening the exercise of the right to the peaceful uses of nuclear technology and promoting international cooperation in this field. Brazil receives significant benefits from international cooperation and also assists other States by providing technical cooperation on nuclear science and nuclear technology applications. Brazil maintains nearly 20 bilateral nuclear cooperation agreements, with both developed and developing countries. Brazil attaches particular relevance to the IAEA Technical Cooperation Programme, in which it is an active participant, as both a beneficiary and a donor country.

28. Under the auspices of the Programme, Brazil sends 50 technicians for training abroad every year. Furthermore, it offers more than 40 scholarships for nationals of Latin American and Caribbean, African and Asian countries to receive training at Brazilian institutions and facilities. Brazil also makes available about two dozen nuclear specialists every year to serve in the context of IAEA expert missions abroad.

29. Since the 1980s, Brazil has been an active participant in the Regional Cooperative Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL), mainly as a donor country, both by making available scholarships at its nuclear institutions for the training of Latin American and Caribbean experts and by making available Brazilian experts and instructors to assist other countries in the region.

30. Brazil operates two nuclear power plants, and a third one is under a licensing process. Altogether, they will generate approximately 3,000 megawatts. Brazil is endowed with the world's sixth-largest uranium ore reserves, with 70 per cent of the territory still to be prospected, and has developed wide-ranging production capabilities, from the mining and processing of uranium to UO_2 and isotopic uranium enrichment, all the way to nuclear fuel element production. Uranium enrichment activities were started in 1987 at the Aramar Experimental Centre, which developed the technology indigenously. The industrial enrichment facility and the fuel fabrication plant, located at Resende, are now fully operational.

31. Besides electrical-power generation, Brazil's nuclear activities extend to wide-ranging applications in medicine, agriculture, industry and environmental protection. More than 700 hospitals and clinics use nuclear techniques in medical applications, including radiotherapy and nuclear medicine. More than 450 clinical facilities apply radiopharmaceutical products in over 2.5 million medical procedures every year. Furthermore, there are approximately 200 specialized laboratories which conduct radioimmune assays. Nearly 700 industrial plants use radioisotopes, for instance, in food irradiation, polymerization, industrial radiography and oil-well operations.

Article V

32. The Final Document of the 2000 Review Conference affirms that the provisions of article V are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty. Brazil participated actively in negotiations on the Treaty, signed it on the day it was opened for signature — 24 September 1996 — and ratified it on 24 July 1998. Since then, Brazil has been actively participating in the work of the Vienna-based Preparatory Commission for the future Comprehensive Nuclear-Test-Ban Treaty Organization.

33. In line with that Treaty as well as with previous commitments made under the above-mentioned bilateral and quadripartite nuclear agreements signed with Argentina, ABACC and IAEA in 1991, Brazil revoked its reservations under the Tlatelolco Treaty concerning peaceful nuclear explosions, thus relinquishing the right to conduct them.

34. Brazil has consistently called for the universalization of the Comprehensive Nuclear-Test-Ban Treaty and welcomes the fact that, so far, 182 States have signed and 151 have ratified the Treaty. However, it continues to call on States, particularly the nine States listed in annex 2 to the Treaty that have not yet done so, to ratify it as soon as possible.

Article VI

35. As highlighted in the preamble to the Non-Proliferation Treaty, in considering the devastation that would be visited upon all mankind by a nuclear war, States parties need to make every effort to avert the danger of such a war. The risk of a global nuclear war did not disappear with the end of the cold war. Whereas one might assume that that risk has decreased, the risk of a nuclear attack, either by design or accident, persists, and may even have increased.

36. Full compliance with article VI is thus key to the attainment of the Treaty's goals. Forty years after the Treaty's entry into force, and 20 years after the end of the cold war, it is disconcerting that it has not yet been possible to give concrete expression to achieving nuclear disarmament at an early date, as stipulated in article VI.

37. The International Court of Justice, in its landmark 1996 advisory opinion, stressed the need to implement article VI fully and completely, stating that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

38. The achievement of the objectives of the Treaty is contingent upon addressing the issues of disarmament and non-proliferation in an interrelated and mutually reinforcing way. Article VI-related decisions taken at Treaty Review Conferences are the multilaterally agreed framework for the implementation of nuclear disarmament measures. The forward-looking, realistic action programme adopted at the 2000 Review Conference, known as the "thirteen steps", is the agreed blueprint for nuclear disarmament and must be implemented forthwith. Regrettably, however, most of those pledges remain on paper.

39. The last decade did not see meaningful progress towards nuclear disarmament. Particularly disturbing trends have continued or were aggravated, such as the giving

of greater prominence or ambiguities to nuclear weapons in security strategies; the persistence of nuclear doctrines that admit first use, including against States that do not possess nuclear weapons; studies on the possible deployment of low-yield nuclear weapons; plans related to their tactical uses, including against conventional forces; ongoing research on nuclear explosives, including "subcritical" tests; readiness to resume full-scale explosive tests; and new investment in the modernization of nuclear weapons and their delivery systems. Such developments undermine the credibility of the Treaty and stoke the flames of proliferation by suggesting that nuclear weapons are and will remain indispensable to the security needs of some States.

40. Brazil is convinced that nuclear weapons do not enhance, but rather diminish, the security of all States, including of those that believe they are more secure by virtue of possessing such weapons or of participating in nuclear-weapon-based military alliances. Reducing stockpiles will not lead to true nuclear disarmament as long as nuclear weapons are seen as strategic assets and qualitative arms races continue, although in less visible or disguised forms.

41. The "unequivocal undertaking" by the nuclear-weapon States to accomplish the total elimination of nuclear arsenals, adopted at the 2000 Review Conference, must be taken in all seriousness. Nuclear-weapon States are called upon to demonstrate an unflinching commitment to the speedy implementation of the agreed path towards a nuclear-weapon-free world. Although unilateral and bilateral reductions are an indispensable part of the overall nuclear disarmament effort, they cannot substitute for a framework of multilaterally agreed measures. The time is therefore ripe for nuclear disarmament measures that are comprehensive, irreversible and verifiable, within a phased process leading to the total elimination of nuclear arsenals.

Article VII

42. Brazil is a founding member of the first nuclear-weapon-free zone in an inhabited region of the world, established by the Treaty of Tlatelolco, which was adopted by all Latin American and Caribbean States in 1967. The Treaty, which predates the Non-Proliferation Treaty itself, has been ratified by every country in the region and is considered a model for all other initiatives that have resulted in nuclear-weapon-free zones.

43. Brazil strongly supports the implementation of nuclear-weapon-free zones and considers that they play an increasingly important role in efforts to bring about a nuclear-weapon-free world. In that spirit, Brazil participated in the first Conference of Nuclear-Weapon-Free Zones, held in April 2005 in Mexico City, where the Treaty of Tlatelolco was signed, and in the second Conference, held in New York on 30 April 2010. Today, 113 countries belong to nuclear-weapon-free zones in the southern hemisphere and adjacent areas.

44. In 2004, the States parties to the Treaty of Tlatelolco renewed their call to the nuclear-weapon States to review the negative security assurances extended to them under the auspices of the Protocols to the Treaty. Unfortunately, the nuclear-weapon States' response was once again disappointing, inasmuch as they have chosen to retain their reservations to the Protocols. Brazil, both bilaterally and as a State party to the Treaty of Tlatelolco, continues to call upon the nuclear-weapon States to

review their position on this issue, with a view to providing the members of such zones with unequivocal assurances against the use of nuclear weapons.

45. Together with New Zealand, Brazil has since 1996 sponsored a resolution in the General Assembly entitled "Nuclear-Weapon-Free southern hemisphere and adjacent areas", which recognizes that nuclear-weapon-free zones are gradually freeing the entire southern hemisphere of nuclear weapons. The resolution also affirms the contribution of this effort to the strengthening of the non-proliferation and disarmament regime, as an example to the nuclear-weapon States and to those States that have joined them in nuclear-weapon-based military alliances. In this regard, the resolution calls upon the nuclear-weapon States to support the process of nuclear disarmament and to work expeditiously for the total elimination of their nuclear arsenals.

Article VIII

46. The strengthened review process agreed in 1995 ascribed a forward-looking role to the review conferences. Among other significant achievements of that process was the adoption in 2000 of the thirteen practical steps leading to nuclear disarmament. Insufficient results over the last decade make it even more important, at the 2010 Review Conference, to strengthen the Non-Proliferation Treaty's accountability, credibility and sustainability over the long run. Confidence in the strengthened review process as a guarantor of treaty implementation should not be allowed to erode.

47. The decision taken at the 1995 Review and Extension Conference to extend the Treaty indefinitely does not signify that nuclear weapons are to be retained indefinitely. Such a misconception would encourage nuclear proliferation and defeat the Treaty's goal of achieving a nuclear-weapon-free world. The Treaty must logically and ultimately be superseded by a convention on the elimination and prohibition of nuclear weapons.

48. At the 2000 Review Conference, Brazil and its partners (Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) in the New Agenda Coalition, established in 1998, worked closely on the elaboration and discussion of the thirteen practical steps for systematic and progressive efforts on nuclear disarmament, which came to be the most important achievement of that Conference.

49. In 2005, regrettably, it was not possible to reach consensus on a final document. Ambassador Sérgio de Queiroz Duarte was elected President of the Review Conference, as a signal of Brazil's credentials and commitment to nuclear non-proliferation and disarmament, and made every effort to lead the Conference to a positive outcome.

50. As in the other multilateral disarmament-related forums, mainly the Conference on Disarmament, the First Committee of the General Assembly and the Disarmament Commission, Brazil participated actively in the three Preparatory Committees (2007, 2008 and 2009) leading up to the eighth Review Conference, at which it will occupy one of the vice-presidencies.

51. Brazil considers that the challenges facing the implementation of the Treaty are of a political nature and not the result of deficiencies in the machinery or administration of the Treaty. The creation of new bureaucratic structures seems unnecessary and could duplicate work already done at the United Nations and

IAEA. Although the strengthened review process could always be streamlined and made more efficient, it is sufficient for the purpose of ascertaining the full implementation of the Treaty. Political will by all parties is of the essence, as was the case at the 2000 Review Conference.

Article IX

52. The universalization of the Treaty remains an important challenge for the future of the Treaty. Brazil has repeatedly called on those States not yet party to the Treaty to accede to it without delay as non-nuclear-weapon States parties. The establishment of new nuclear-weapon-free zones, particularly in the Middle East and South Asia, would greatly contribute to the integrity and sustainability of the Treaty regime.

53. Non-State parties should refrain from any action that might undermine the fulfilment of the objectives of the Treaty as well as of relevant United Nations resolutions. At the same time, unequivocal, concrete steps by the nuclear-weapon States to expedite nuclear disarmament and achieve the total elimination of nuclear arsenals in the foreseeable future would play a major part in encouraging nuclear-weapon-capable States outside the Treaty to reconsider their options and join the Treaty as non-nuclear-weapon States.

Article X

54. Brazil considers that the decision to withdraw from the Treaty — as from any treaty freely subscribed to — is a sovereign right recognized under international law. The indefinite extension of the Treaty adopted at the 1995 Review and Extension Conference did not alter the procedure laid out in article X concerning withdrawal, in case a State party "decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country".

55. Notwithstanding the already rigorous procedure established under article X, and in view of the Treaty's relevance to international peace and security, the case could be made for a deeper and broader consideration of any announcement of intention from a State party to withdraw from the Treaty. This would allow for an open and transparent discussion in the Security Council on the causes invoked as the basis for such an intention. The objective is to avoid, to the extent possible, resorting to article X, especially if it is clear that such withdrawal is associated with the intent to engage in nuclear proliferation or in any other way to erode the Treaty's effectiveness. Such consideration should take into account the implications that actions discouraging withdrawal might have for legitimate rights under other treaties and agreements, including those of a commercial nature.